

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LAURA MARIE KELLY,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,

Defendant.

CASE NO. 12-cv-05809-RBL-JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 16.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner.

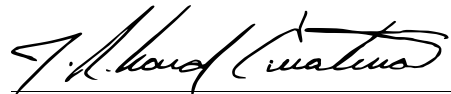
1 On remand, based on the parties' stipulation, this Court recommends that the  
2 Administrative Law Judge hold a new hearing and issue a new decision. The ALJ should re-  
3 evaluate the claimant's residual functional capacity, giving further consideration to the medical  
4 opinions of record and explaining the weight given to each opinion, including the opinions of  
5 Betty Bennett, ARNP; and, if necessary, obtain supplemental vocational testimony expert  
6 testimony to determine the effects of the claimant's limitations on her ability to perform work  
7 that exists in significant numbers in the national economy.

8 This Court further recommends that the ALJ take any other actions necessary to develop  
9 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments  
10 to the ALJ on remand.

11 Plaintiff will be entitled to reasonable attorney's fees and costs pursuant to the Equal  
12 Access to Justice Act, 28 U.S.C. § 2412(d), following proper request to this Court.

13 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
14 immediately approve this Report and Recommendation and order the case be **REVERSED** and  
15 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g). *See, Melkonyan v. Sullivan*, 501  
16 U.S. 89 (1991).

17 Dated this 14th day of February, 2013.

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20 J. Richard Creatura  
21 United States Magistrate Judge  
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